

CHAPTER NO. 337**HOUSE BILL NO. 1341**

By Representatives Hargrove, DuBois, Stanley, Crider, Baird

Substituted for: Senate Bill No. 642

By Senator Cooper

AN ACT to amend Tennessee Code Annotated, Section 71-5-117, relative to subrogation in medical assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-117, is amended by deleting subsection (d) its entirety and by substituting instead the following:

(d) The commissioner of health or individual managed care organizations under contract with the state are authorized to require certain information identifying persons covered by third parties for medical services. Third parties for medical services shall include, but not be limited to, health and liability insurers, administrators of ERISA plans, employee welfare benefit plans, workers' compensation plans, CHAMPUS and Medicare. All third parties shall, upon request from the commissioner or managed care organization, provide for a computerized data match of their respective files to identify all persons covered by both the third party and by the state's TennCare program for medical services. No third party shall be liable to a policyholder for proper release of this information to the commissioner or managed care organization. Such information shall be provided pursuant to a written request from the commissioner or managed care organization with each third party establishing confidentiality requirements. By submitting such a request, the state or managed care organization agrees to reimburse the third party for reasonable costs incurred by the third party in compiling and providing the data.

SECTION 2. Tennessee Code Annotated, Section 71-5-117, is further amended by deleting from subsection (c) the language "unless the attorney has notice from the state of the state's" and substituting instead the language "unless the attorney has notice from the state or any entity acting pursuant to subsection (f) of the state's".

SECTION 3. Tennessee Code Annotated, Section 71-5-117, is further amended by deleting from the first sentence of subsection (g) and twice from the third sentence of subsection (g) the word "judgment" and substituting instead the language "judgment or settlement".

SECTION 4. Tennessee Code Annotated, Section 71-5-117, is amended by adding the following language at the end of subsection (k):

The provisions of subsections (g) through (j), inclusive, of this section shall also apply to cases that have been settled when no lawsuit has been filed.

SECTION 5. This act shall take effect on July 1, 2003, the public welfare requiring it.

PASSED: May 27, 2003


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 13th day of June 2003


PHIL BREDESEN, GOVERNOR